

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1559 FOR WATER APPROPRIATION A-11697

WATER DIVISION 2-C

Background

1. Surface water appropriation A-11697 is currently held by Brush Creek Ranch.
2. Appropriation A-11697 has a priority date of May 5, 1969, and authorizes the use of water for irrigation of the 97.0 acres of land described below. The water may be diverted from Brush Creek at points of diversion in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, both in Township 32 North, Range 14 West of the 6th P.M. in Holt County at a maximum combined rate of 1.38 cubic foot per second (cfs) (619 gallons per minute) from all points of diversion. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.

Township 32 North, Range 14 West of the 6 th P.M. in Holt County	Acres
Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>19.0</u>
TOTAL	97.0

3. Lon W. Keim, on behalf of Brush Creek Ranch, filed EXT-1559 an application for a permit for an expedited transfer of the location of use requesting a transfer of the land authorized to be irrigated by appropriation A-11697, and map number 17274 showing the land proposed to be irrigated under appropriation A-11697 through transfer EXT-1559.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1559 for a permit for an expedited transfer of the location of use and map number 17274 are APPROVED.
2. Appropriation A-11697 through transfer EXT-1559 authorizes the use of water to irrigate 97.0 acres of land described below and depicted on map number 17274, which is made a part of this Order. The water may be

diverted from Brush Creek at points of diversion in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, both in Township 32 North, Range 14 West of the 6th P.M. in Holt County at a maximum combined rate of 1.38 cfs (619 gallons per minute) from all points of diversion. The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.

Township 32 North, Range 14 West of the 6 th P.M. in Holt County	Acres
Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$	20.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	22.7
SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.4
SE $\frac{1}{4}$ NE $\frac{1}{4}$	38.2
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.9
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>7.2</u>
TOTAL	97.0

3. All terms and conditions of appropriation A-11697 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following.
 - a. Notify the Department of any change in ownership or address.
 - b. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
 - c. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

November 24, 2008

/S/
Brian P. Dunnigan, P.E., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4th Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. A copy of this approval and map number 17274 were provided to the Department's field office in Ord, Nebraska. A copy of this approval and map number 17274 were mailed on November _____, 2008, to the following:

Brush Creek Ranch
89105 480th Avenue
Atkinson, NE 68713

Lon W. Keim
PO Box 24738
Omaha, NE 68124-0738